

REMARKS

Interview

Counsel wishes to thank Examiner Hon for her help and guidance during the interview of October 15, 2009. The interview was beneficial in aiding counsel to prepare this amendment with the objective of resolving all remaining issues.

At the interview, counsel and the Examiner discussed amending the claims to present language which clearly distinguished the reactive mesogen additive as being different than the polymer used to make the polymer film, and thus further distinguishing the claimed invention from the cited prior art such as Gass et al. (US '716). Claim 1 is amended above to expressly recite that the at least one reactive mesogen additive is not the polymer used to form the polymer film of the alignment layer.

This language is supported throughout applicants' disclosure. Throughout the disclosure, the polymer used to form the film and the reactive mesogen additive are discussed as separate entities. There is no disclosure that the polymer used to make the film is also be the reactive mesogen. For example, at page 6, lines 29-31 wherein it is disclosed that the alignment layer does not consist essentially of reactive mesogen (RM). See also the disclosure at pages 7-10 where the suggested materials for the polymer film and the suggested materials for the reactive mesogens are clearly different.

New claims 38-40 also further distinguish the claimed invention from the prior art disclosures. Claim 38 is similar to the prior version of claim 3 and recites that the reactive mesogen additive is in monomeric or oligomeric form, as opposed to polymeric form. New claim 39 further structurally defines both the polymer and the reactive mesogen additive. See prior claims 6, 8, and 12. New claim 40 expressly recites that the reactive mesogen additive is added to the polymer after polymerization thereof. See, e.g., page 9, line 30 – page 10, line 6.

In view of the above remarks, it is respectfully submitted that the disclosure of Gass et al. (US '716), alone or in combination the disclosures of Onishi et al. (US '378), O'Neill et al. (US '113), and/or Ichimura et al. (US '277), fails to render obvious applicants' claimed invention. Withdrawal of the rejections is respectfully requested.

MERCK-3144

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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